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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,320	11/24/2003	Osamu Furukawa	F-7929	4299
28107	7590	01/21/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			D ADAMO, STEPHEN D	
		ART UNIT		PAPER NUMBER
				3636

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/720,320 Examiner Stephen D'Adamo	FURUKAWA ET AL. Art Unit 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 November 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,4 and 6 is/are rejected.
 7) Claim(s) 2,5 and 7 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Margolis et al. (6,158,808) in view of Bellisario (4,310,307).

Margolis discloses a fully adjustable lounge chair comprising a cable 500 having a first end being connected to a controller 505 and a second end being connected to a motor control junction box [mechanism] located within the base of the unit 100. The cable is disposed exterior to the seat, as seen in Figure 1. Yet, the cable is not expressly disclosed as being higher than the position of the seat. However, Bellisario discloses a “dental audio and gaseous analgesia applicator” comprising a cable wiring construction for a cable between a controller operated by a seated user and a unit body on the dental chair

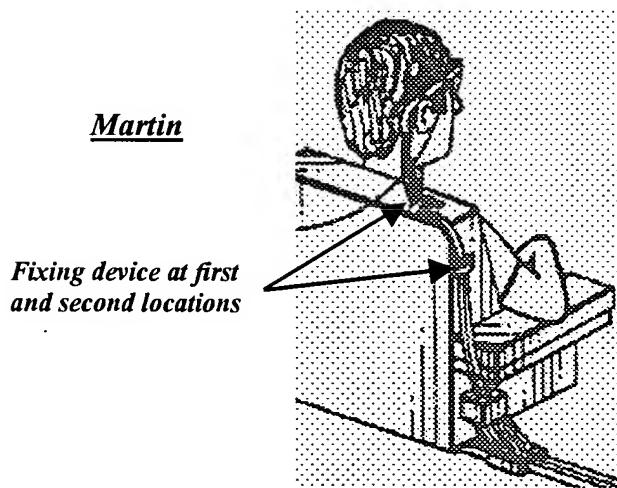
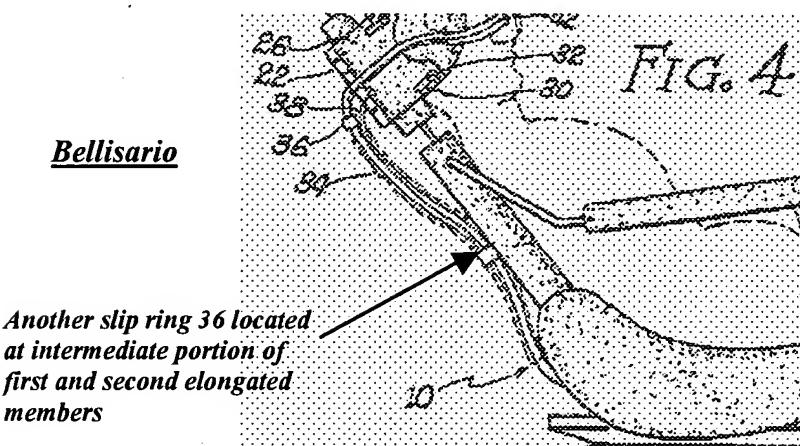
10. Bellisario recites, “through this sheath slip ring could also be drawn the speaker wires 38, which as their remote end connect to a patient operated stereo deck or other music or sound source with volume control” (col.2, lines 32-36). Thus, the locking portion 36 is provided on the seat back at a height that is higher than the seat cushion. Bellisario discloses the wiring construction in Figure 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cable and control assembly of Margolis with a locking portion above the height of the

seat, as taught by Bellisario, for providing a means to keep the remote off of the ground and thus keep the remote from being broken.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margolis et al. (6,158,808) in view of Bellisario (4,310,307) and Martin (5,610,674).

Margolis discloses a fully adjustable lounge chair comprising a seat having a seat back and a cushion, a hand held controller 505, a seat positioning mechanism or control junction box located within the base of the unit 100. Further, Margolis discloses of a first elongated member 500 connecting the hand held controller to the control junction box. The wire or cable 500 also has an intermediate portion. Yet, Margolis fails to expressly disclose a second elongated member. However, Bellisario teaches of a “dental audio and gaseous analgesia applicator” comprising a first elongated member 38 and a second elongated member 34. The second elongated member has first and second ends. Further the elongated member 34 is exterior to the seat back and has an intermediate portion connected to the intermediate portion of the first elongated member 38. Specifically, the sheath 34 wraps around the cable or wire 38 and, as seen in Figure 4, there is a slip ring 36 on the intermediate portion of the sheath that connects the sheath to the intermediate portion of the first elongated member or cable 38. For clarification purposes, Figure 4 is shown below with the references. Moreover, the intermediate portion of both elongated members are higher than the seat cushion. Yet, Bellisario fails to expressly disclose the first and second ends of the second elongated members are fixed to first and second locations on the seat back. However, Martin teaches of fixing devices or clips on the seat back for fixing the cables or wires to the seat back at first and second locations, seen

below and in Figure 16 of the disclosure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the adjustable lounge chair of Margolis with a second elongated member or sheath, as taught by Bellisario, as well as, first and second fixing devices or clips for fixing the first and second ends of the second elongated member to the seat back, as taught by Martin. These two modifications provide protection of the cable where it is exposed, as well as, providing a means to keep the remote off of the ground and thus keep the remote or controller from being broken.



Allowable Subject Matter

2. Claims 2, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD
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January 14, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600